


US ENVIRONMENTAL PROTECTION AGENCY WASHINGTON DC 20460		1. IAG Identification No. DW14933/13 01 0		2. Funding Location by Region VII	
<b>INTERAGENCY AGREEMENT/AMENDMENT Part I - GENERAL INFORMATION</b>		3. Type of Action New Agreement		4. Program Abbreviation SDFD	
5. Name and Address of EPA Organization Environmental Protection Agency (EPA) Region VII 726 Minnesota Avenue Kansas City, Kansas 66101		6. Name and Address of Other Agency U.S. Fish & Wildlife Service P.O. Box 25486 Denver, Federal Center Denver, Colorado 80225		Cherokee County KCL 920741060 SO. 4 CUT 2-22-88	
7. Project Title: Technical Assistance at the Cherokee County, Kansas Site - Galena Subsite.					
8. EPA Project Officer (Name, Address, Telephone Number) Alice C. Fuerst (FTS-757-2856) 726 Minnesota Avenue Kansas City, Kansas 66101		9. Other Agency Project Officer (Name, Address, Telephone Number) Mark Wilson (913-539-3474) U.S. Fish & Wildlife Service Fish & Wildlife Enhancement 215 Southwind Place, Manhattan, Kansas 66502			
10. Project Period September 1, 1988-September 30, 1990		11. Budget Period September 1, 1988-September 30, 1990			
12. Scope of Work (Attach additional sheets, as needed)  The U.S. Fish and Wildlife Service will provide technical assistance to EPA at the Cherokee County, Kansas Superfund Site-Galena Subsite. The technical assistance will include support for enforcement activities and for the design and construction of the remedial actions.  See Attachment A for the scope of work.					
 22700 S00022920 SUPERFUND RECORDS					
13. Statutory Authority for both Transfer of Funds and Project Activities SARA PL 99-499; E.O. 12480, The Economy Act as Amended 31 USC 1535				14. Other Agency Type Federal	
FUNDS		PREVIOUS AMOUNT		AMOUNT THIS ACTION	
15. EPA Amount				\$20,000	
16. EPA In Kind Amount					
17. Other Agency Amount					
18. Other Agency In Kind Amount					
19. Total Project Cost				\$20,000	
20. Fiscal Information					
Program Element	FY	Appropriation	Doc. Control No.	Account Number	Object Class
TGBY3A	88	68-20X8145	W20301	8TGB07WP37	25.76
					Obligation / Deobligation Amt
					\$20,000

PART II -- AP OVED BUDGET		IAG IDENTIFICATION NO DW14933513 01 0
21 Budget Categories	Total Itemization of Estimated Cost to Date	
(a) Personnel	\$	
(b) Fringe Benefits		
(c) Travel		
(d) Equipment	Breakdown not available.	
(e) Supplies		
(f) Procurement Assistance		
(g) Construction		
(h) Other		
(i) Total Direct Charges	\$	
(j) Indirect Costs Rate \$ Base		
(k) Total (EPA Share %) (Other Agency Share %)	\$	
22 Is equipment authorized to be furnished by EPA or acquired with EPA funds? <i>(Identify all equipment costing \$1,000 or more)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
23 Are any of these funds being used on extramural agreements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(See Item 21f)</i> <input type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement, or <input type="checkbox"/> Procurement		
Contactor Recipient Name <i>(if known)</i>	Total Extramural Amount Under This Project	Percent Funded by EPA <i>(if known)</i>
PART III - PAYMENT METHODS AND BILLING INSTRUCTIONS		
24 <input checked="" type="checkbox"/> Disbursement Agreement <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input checked="" type="checkbox"/> Reimbursement   <input type="checkbox"/> Advance   <input type="checkbox"/> Allocation Transfer               </div> <div style="width: 70%;"> <p>Request for reimbursement of actual costs will be itemized on SF 1081 or SF 1080 and submitted to the Financial Management Office, Environmental Protection Agency, 26 West St. Clair, Cincinnati, OH 45268</p> <p><input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work</p> <p>Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Office, Environmental Protection Agency, 26 West St. Clair, Cincinnati, OH 45268</p> <p>Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of the Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Headquarters</p> </div> </div>		
25 <input type="checkbox"/> Reimbursement Agreement		
Other Agency's IAG Identification Number	Billing Instructions and Frequency	
Billing Address U.S. Environmental Protection Agency Financial Management Division Room 24 26 W. St. Clair Cincinnati, Ohio 45268		

## PART IV — ACCEPTANCE CONDITIONS

IAG IDENTIFICATION NO.  
DW14933513 01 0

## 26 General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project work for which funds have been awarded under this agreement.

## 27 Special Conditions

"The U.S. Fish & Wildlife Service certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that would not have been otherwise incurred by the performing agency, or 2) that statutory authority exists for charging other than the incremental costs of performance. If an audit determines that any direct or indirect costs charged to EPA are unallowable, EPA will be notified immediately following the resolution of the audit and EPA will be credited for those costs."

See attachment B for other special conditions.

## Part V — OFFER AND ACCEPTANCE

**NOTE: 1)** For disbursement actions, the agreement/amendment must be signed in duplicate and one original returned to the Grants Administration Division for Headquarters agreements and to the appropriate EPA IAG administration office for Regional agreements within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in Item 28 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of the offer by the Agency. Any change to the agreement by the other agency subsequent to the document being signed by the EPA Action Official which the Action Official determines to materially alter the agreement/amendment shall void the agreement/amendment.

**2)** For reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the Environmental Protection Agency. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative management assistance)

EPA Program Office (for technical assistance)

28 Organization/Address  
Georganne Mullins  
Grants Administration Section  
726 Minnesota Avenue  
Kansas City, Kansas 66101  
(FTS-757-2825)

29 Organization/Address  
Alice C. Fuerst  
Superfund Branch  
726 Minnesota Avenue  
Kansas City, Kansas 66101  
(FTS-757-2856)

## Decision Official on Behalf of the Environmental Protection Agency Program Office

30 Signature

Typed Name and Title

Date

David A. Wagoner, Director  
Waste Management Division

8/22/88

## Action Official on Behalf of the Environmental Protection Agency

31 Signature

Typed Name and Title

Date

Morris Kay  
Regional Administrator, Reg. VII

9-27-88

## Authorizing Official on Behalf of the Other Agency

32 Signature

Typed Name and Title

Date

Gaylen L. Buterbaugh  
Regional Director

7-28-88

## Attachment A

### Scope of Work Interagency Agreement Fish and Wildlife Service

This agreement is between the U.S. Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service (USFWS). Under this agreement, the USFWS will 1) conduct an investigation to determine the presence or absence of the endangered gray bat in the Cherokee County Superfund site in Cherokee County, Kansas, in part to support a preliminary natural resources survey and 2) provide technical assistance during remedial design on the Cherokee County Superfund site in Cherokee County, Kansas. The Cherokee County site is a portion of the Tri-State Lead and Zinc Mining District. Ground water and surface water in the area are contaminated as the result of the mining activities. The site is divided into six subsites. The EPA has conducted a remedial investigation and feasibility study (RI/FS) in the Galena subsite. Remedial design activities will begin in September 1988 and will be followed by construction beginning in 1989. Additional RI/FSs, remedial designs and construction will occur in the other subsites.

The activities USFWS will perform under this agreement include:

#### 1. Gray Bat Investigation

The USFWS has identified the potential presence of the endangered gray bat inhabiting the Cherokee County site area. Under this task of the IAG, the USFWS will conduct an investigation of the Galena subsite to identify whether the gray bat is inhabiting the subsite. This information will be used in any future preliminary natural resource survey to assist in a comprehensive settlement to all Federal claims and will be used to assist in the design and construction of the remedial action.

##### a. Work Plan

The USFWS will submit a work plan to the EPA Regional Project Officer (RPO) no later than thirty (30) days after initiation of this agreement. The work plan will be prepared in response to this scope of work. The plan will detail the scope of the activities, schedule, resource requirements, technical approach or methods, deliverables and a budget estimate by object class.

The USFWS will not commence any activity in the work plan until the EPA RPO has notified USFWS in writing that the work plan is acceptable. The EPA's notification will state a maximum amount of reimbursement that will be allowed for the activities.

b. Schedule

The USFWS will conduct the investigation of the gray bat habitat during the spring and summer of 1989. The USFWS should assume this assistance will include one meeting in Galena, Kansas.

c. Technical Report

A report to EPA to document the activities conducted and the conclusions will be required on this task. The report will be in memorandum form and will be considered a letter in response to requests by EPA. If the information in the letter is noninterpretative, it will not require colleague review and USFWS Regional Director's approval. The reports will require review and approval from the FWS Regional Environmental Officer if they are interpretative reports.

2. Technical Assistance

The USFWS has identified the potential presence of the endangered gray bat inhabiting the Cherokee County site area. In addition, several endangered migratory birds may occur in the site area. The State of Kansas has identified a portion of the Shoal Creek basin as the habitat of several endangered species. Under the previous task of the IAG, the USFWS will conduct an investigation of the Galena subsite of the Cherokee County site to identify whether the gray bat is inhabiting the subsite. If the gray bat is found to be inhabiting the area, under this task the USFWS will recommend activities to mitigate damage to the species. In addition, the USFWS will provide technical assistance to EPA during the remedial design and construction in the Galena subsite. The assistance will include a review of portions of the design to ensure adequate measures are taken to mitigate and prevent losses of wildlife resources as the result of the construction activities. In addition, the USFWS will work in concert with the U.S. Soil Conservation Service, the U.S. Bureau of Mines and the EPA to identify and recommend the most appropriate revegetation plan for erosion control for the Galena subsite. The U.S. Soil Conservation Service will chair this committee.

a. Work Plan

The USFWS will prepare a work plan and submit it to the EPA RPO no later than November 30, 1988. The work plan will be prepared in response to this scope of work. The plan will detail the scope of the activities, schedule, resource requirements, technical approach or methods, deliverables and a budget estimate by object class.

The USFWS will not commence any activity in the work plan until the EPA RPO has notified USFWS in writing that the work plan is acceptable. The EPA's notification will state a maximum

amount of reimbursement that will be allowed for the activities.

b. Schedule

If the gray bat is found to inhabit the area, the USFWS will provide recommendations on how to mitigate damage to the species by July 30, 1989. The USFWS should assume this assistance will involve 32 person hours.

The USFWS will complete the assistance in developing the revegetation plan by December 15, 1988. The USFWS should assume this assistance will include 32 person hours plus one meeting in Galena, Kansas. The USFWS will provide assistance in reviewing the remedial design between October 1988 and November 1989. The EPA will provide the appropriate designs for review as they become available. The USFWS should assume this will require 32 person hours plus one meeting in Kansas City. Activities to be conducted during the construction will be identified later.

c. Reports and Documentation

Reports to EPA to document conclusions and recommendations will be required on each task of the Technical Assistance. The reports will be in memorandum form and will be considered a letter in response to requests by EPA. If the information in the letter is noninterpretative, it will not require colleague review and the USFWS Regional Director's approval. The reports will require review and approval from the USFWS Regional Environmental Officer if they are interpretative reports.

## ATTACHMENT B

## 1. Cost Documentation Requirements

The EPA acting as manager of the Hazardous Substances Superfund requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended by SARA, authorizes EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds, both the USFWS and EPA have responsibilities under this agreement. The USFWS accounting system reports must be supported by site-specific documentation. The USFWS will organize and retain for ten years after completion of the project or until transferred to EPA for permanent retention site-specific documentation (e.g., vouchers, billing statements, evidence of payment, audit reports) of costs as follows:

(a) Internal Direct Costs

- Payroll - timesheets or time cards identified by site and time period and signed by employee and supervisor.

- Travel - travel authorization, local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government-owned vehicle bills and all appropriate hotel, car rental, etc., receipts.

- Evidence of purchase of materials, equipment and supplies.

- Property inventory listing of all non-expendable property with a unit acquisition cost of \$1,000 or more with a life expectancy of one year or more.

- Any other direct costs not included in the above categories.

(b) Indirect Cost Documentation

1. Indirect Cost Documentation Standards - The USFWS certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that would not have been otherwise incurred by the USFWS, or 2) that explicit Congressional authority exists for charging other than the incremental costs of performance. If an audit determines that any direct or indirect costs charged to EPA are unallowable, EPA will be notified immediately following the resolution of the audit and EPA will be credited with those costs.

2. The USFWS will require its contractors to retain site-specific documentation for a period of 10 years after final contract payment.

3. In the event of a cost action, within three weeks from the date of a request from EPA or the Department of Justice (DOJ), the USFWS will provide to EPA or DOJ site-specific costs and copies of the back-up documentation which support those costs. The USFWS will provide EPA with a contact for obtaining such site-specific accounting information and documentation. This cost information and documentation must also be available for audit or verification on request of the Inspector General.

4. The USFWS will provide the EPA quarterly progress reports containing:

- (a) Site name, EPA Site ID number, EPA Region and IAG number
- (b) Summary of work performed this period
- (c) Current status of the agreement, which includes the information, in the format that follows:

STATUS OF AGREEMENT

Total Obligated Funds	\$000,000.00
Total Task Funds	000,000.00
Remaining Funds Available	00,000.00
 Total Task Funds	 \$000,000.00
Total Invoices	0.00
Uninvoiced Tasked Funds	000,000.00

- (d) Estimate of the percentage of project completed
- (e) Accounting of funds expended during the billing period and on the project to date, which includes a budget category breakdown.
- (f) Property inventory listing of all non-expendable property with a unit acquisition cost of \$1,000 or more, and with a life expectancy of two years or more.
- (g) Summaries of all contacts with representatives of the local community, public interest groups or State government during the reporting period.
- (i) Projected work for the next period.

Quarterly progress reports will be submitted to the Regional Project Officer and the Chief, Technical Support Branch (WH-527), EPA, Washington, D.C. 20460.



5. The USFWS will provide EPA's Financial Management Center, Cincinnati, with a quarterly OPAC Summary Report, identifying the charges for the billing period by site names, site-specific account number and IAG number.

6. The EPA's substantial involvement in this IAG will include:

(a) Reimbursement to the USFWS contingent upon:

- Receipt and approval by the EPA Regional Program Office of the quarterly progress reports and sufficient progress of the technical assistance activities performed.

- Acceptance and approval of requests for reimbursements by the authorized representatives of the EPA Regional Program Office and the Regional IAG Administration Office.

(b) Retention of full or partial title to all property acquired with Hazardous Substances Superfund monies. The EPA will provide the USFWS with property disposition instructions at the end of the project.

7. The USFWS will adhere to all established EPA protocols and standards for Quality Assurance/Quality Control (QA/QC) as provided by the appropriate EPA Regional Office. If EPA does not have established protocols for a specific task, then USFWS protocols or other recognized procedures will be offered by the USFWS for EPA approval. Each site-specific IAG requiring environmentally related measurements or data generation (sample analysis) will need a QA/QC project plan.

8. The USFWS personnel and contractors shall have the appropriate safety training and be involved in a medical monitoring program as specified in 29 CFR Part 1910 (51 CFR 45663 - 45675) and Section 126(e) of the Superfund Amendments and Reauthorization Act (SARA). The costs of health and safety training, health screening (exam or monitoring) and safety equipment are allowable under this agreement, if they are required to perform a site-specific IAG. The EPA will ensure that every site at which USFWS personnel are requested to work has been characterized as to the hazards present and the level of personal protection required.